

FILED

MAY 25 2006

RICHARD W. WICKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

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9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 SAN JOSE DIVISION

12 UNITED STATES OF AMERICA, )

13 Plaintiff, )

14 v. )

15 ALLEN TAM, )

16 Defendant. )  
17

No. CR 06-0208 RMW

STIPULATION AND [PROPOSED]  
ORDER DOCUMENTING  
EXCLUSION OF TIME

18 With the agreement of the defendant Allen Tam in open court on April 20, 2006, the  
19 Court enters this order (1) setting a hearing on May 8, 2006 at 9:00 a.m. before the Honorable  
20 Ronald M. Whyte and (2) documenting the exclusion of time under the Speedy Trial Act, 18  
21 U.S.C. § 3161, from April 20, 2006 to May 8, 2006. The Court finds and holds as follows:

22 1. The defendant Allen Tam appeared before the Court on April 20, 2006. At the  
23 time, the parties were negotiating the terms of a stipulated protective order, which needed to be  
24 finalized before any discovery could be produced. The parties need additional time to negotiate  
25 the terms of the protective order. Continuing the case until May 8, 2006 will give them the  
26 opportunity to accomplish this objective. In addition, counsel for the government informed the  
27 Court that he would be out of the office during the week of April 24, 2006 and unavailable for a  
28 hearing before Judge Whyte.

STIP. & [PROPOSED] ORDER RE: EXCL.  
OF TIME [CR 06-0208 RMW]

MAY-15-2006 16:48

Case 5:06-cr-00208-RMW Document 9 Filed 05/25/06 Page 2 of 2

P.05

2. The Court finds that, taking into the account the public interest in the prompt disposition of criminal cases, granting the continuance until May 8, 2006 is necessary for effective preparation of counsel and continuity of government counsel. See 18 U.S.C. § 3161(h)(8)(B)(iv). Given these circumstances, the Court finds that the ends of justice served by excluding the period from April 20, 2006 to May 8, 2006 outweigh the best interest of the public and the defendant in a speedy trial. Id. § 3161(h)(8)(A).

3. Accordingly, and with the consent of the defendant, the Court (1) sets a hearing for May 8, 2006 at 9:00 a.m. before the Honorable Ronald M. Whyte and (2) orders that the period from April 20, 2006 to May 8, 2006 be excluded from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

IT IS SO STIPULATED.

DATED: 5/24/2006

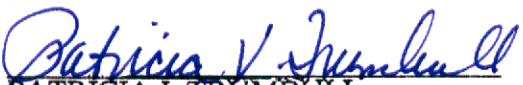
  
KYLE F. WALDINGER  
Assistant United States Attorney

DATED: 5/22/06

  
JAMES H. MCMANIS  
Attorney for the defendant Allen Tam

IT IS SO ORDERED.

DATED: 5/25/06

  
PATRICIA J. TRUMBULL  
United States Magistrate Judge

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STIP. & [PROPOSED] ORDER RE: EXCL.  
OF TIME [CR 06-0208 RMW]

-2-

TOTAL P.05

05/15/2006 MON 16:25 [TX/RX NO 5842] 005